

REMARKS

Applicants' attorney thanks the Examiner for his comments. The specification has been amended to claim priority based on co-pending U.S. Patent Application Serial No. 10/187,761. Claim 16 has been amended to replace "fastener material" with "fastener component." Claim 22 has been amended to replace "formed" with "applied." These amendments should overcome the rejection of Claims 16 and 22 based on 35 U.S.C. § 112, second paragraph.

a) Claim Rejection Based on 35 U.S.C. § 102(e)

The rejection of Claims 11-13, 15-20 and 22-24 under 35 U.S.C. § 102(e) as anticipated by U.S. Publication 2004/0005832 ("Neculescu et al.") is respectfully traversed. This patent application has been amended to claim priority under 35 U.S.C. § 120 to Neculescu et al.

The Examiner has opined that the limitations of these claims are either expressly or inherently disclosed in Neculescu et al. From this, it follows that these claims are expressly or inherently supported by Neculescu et al., and are entitled to the earlier filing date. This claim rejection should therefore be withdrawn.

b) Claim Rejection Based on 35 U.S.C. § 103(a)

The rejection of Claim 21 under 35 U.S.C. § 103(a) as obvious over Neculescu et al. is respectfully traversed. Pursuant to 35 U.S.C. § 103(c), Neculescu et al. is not available as prior art under 35 U.S.C. § 103(a) because the reference document and the instant application are owned by a common Assignee.

U.S. Patent Application Serial No. 10/187,766 (Neculescu et al.) is owned by Kimberly-Clark Worldwide, Inc. by virtue of an Assignment executed 27 June 2002, which is recorded at Reel 013083, Frame 0794.

The instant application, Serial No. 10/701,259, is owned by Kimberly-Clark Worldwide, Inc. by virtue of an Assignment executed 28 October 2003, which is recorded at Reel 014667, Frame 0050.

Accordingly, this claim rejection should be withdrawn.

c) Examination of Claims 38-60

Claims 38-60 were not examined in the pending Office Action. Because these claims depend from Claim 11, they should be allowable for at least the same reasons as Claim 11. If the present Amendment does not result in a Notice of Allowance, then Applicants request a first (non-final) Office Action addressing the patentability of Claims 38-60.

d) Conclusion

Applicants believe that the claims, as presented, are in condition for allowance. If the Examiner detects any unresolved issues, then Applicants' attorney respectfully requests a telephone call from the Examiner, and a telephone interview.

Respectfully submitted,



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